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Attorneys for Plaintiff  
Platinum Partners Value Arbitrage Fund LP

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PLATINUM PARTNERS VALUE  
ARBITRAGE FUND LP,

Plaintiff,

v.

GAYLA SUE LEVIN,

Defendant.

CASE NO.

COMPLAINT

Plaintiff, PLATINUM PARTNERS VALUE ARBITRAGE FUND LP  
("Platinum"), through its undersigned attorneys, as and for its complaint against  
Defendant, GAYLA SUE LEVIN, states as follows:

**THE PARTIES, JURISDICTION AND VENUE**

1. Platinum is a Delaware limited liability company with its principal place of business located in the State of New York.
2. Defendant Gayla Sue Levin is a citizen of the State of Florida, residing at 100 Bay Colony Lane, Fort Lauderdale, Florida.

## RELEVANT FACTS

6. Corresponding to and referenced within the Credit Agreement is a promissory note dated June 26, 2008 (the "Promissory Note"), as amended and restated on September 24, 2008, which sets forth the repayment terms for the credit facility as owed by Banyon Investments to Platinum.

8. The Credit Agreement and Promissory Note are in default due to the failure of Banyon Investments to pay principal and interest when due.

COUNT 1

## DEFENDANT'S BREACH OF THE GUARANTY

12. The Credit Agreement and Promissory Note are in default due to Banyon Investment's failure to pay principal and interest when due. This default has triggered the payment obligations of Defendant under the Guaranty.

14. Platinum owns and holds the Credit Agreement, Promissory Note and the Guaranty.

16. All conditions precedent to bringing this action have been performed, have occurred, or have been excused or waived.

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1 all prejudgment accrued interest, late fees, costs and attorneys' fees and for all  
2 such other and further relief as this Court deems just and proper.  
3

4 Dated: December 31, 2009

5 Respectfully submitted,

6 MORRIS PETERSON  
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8 By: /s/ Steve Morris

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